



## Board of Adjustment Sign Variance Application Packet

### Asheville, North Carolina

The following information is **required** to be submitted prior to review by City Staff for placement on the Board of Adjustment agenda:

- [ ] 1. Completed Property Information Form.
- [ ] 2. A notarized letter from the property owner stating that the Petitioner has permission to apply to the Board for the requested variance, if the Petitioner is not the property owner.
- [ ] 3. Completed Application form.
- [ ] 4. Application and plans for Level I project review (if applicable).
- [ ] 5. Eight (8) sets of the completed site plans, including buildings, landscaping, parking, building elevations, signage, and other pertinent information as requested by staff.
- [ ] 6. **Filing Fee: \$208.00 plus \$52.00 for each additional request at the same site.**

To The Applicant: By placing a check mark by each of the following paragraphs, you are certifying that you have performed that task. A check mark must be placed by each numbered paragraph before placement on the Board's agenda.

- [ ] 7. a. Pre-application conference with the Planning & Development staff.  
b. With whom: \_\_\_\_\_
- [ ] 8. Petitioner has checked for Homeowner Association rules, property covenants, deed restrictions, Building Safety Department, and other requirements that might have a bearing on the application.
- [ ] 9. Any available information to be presented as an exhibit at the variance hearing should be submitted to the Secretary at the time of application (if applicable).
- [ ] 10. If a Court Reporter is needed, then the petitioner is responsible for making those arrangements and notifying the Board of Adjustment Secretary.

*-Pursuant to NCGS 160A-388, City Code Sec. 7-6-2, and the Rules of Procedure for the Board of Adjustment, appeals from decisions of the City's administrative staff must be filed within 60 days of the contested action.*

*-The Authorized Practice Committee of the North Carolina State Bar has issued an opinion (Advisory Opinion 2006-1) stating in essence that appearance in a representative capacity before quasi-judicial bodies of local government, such as boards of adjustment, is the practice of law within the meaning of NCGS 84-2.1 and 84-4, which prohibit the unauthorized practice of law.*

*City Planning staff may not provide legal advice to applicants. Applicants are advised to consult the appropriate sections of the North Carolina General Statutes, Asheville City Code, and the Rules of Procedure for the Board of Adjustment, or to consult with an attorney, if more information is needed.*

**North Carolina  
Buncombe County  
City of Asheville**

**Case Before the Asheville Board of Adjustment**

***Please fill out form completely.***

Property Address/Location: \_\_\_\_\_

PIN Map # : \_\_\_\_\_

Zoning: \_\_\_\_\_ Use of Property: \_\_\_\_\_

Title to this property is in the name of : (Furnish current address/please print legibly)

Property Owner: \_\_\_\_\_

Owner's Address: \_\_\_\_\_

\_\_\_\_\_  
(Property Owner's Signature)

\_\_\_\_\_  
(Business Name or Petitioner if other than Property Owner)

\_\_\_\_\_  
(Petitioner's Address)

\_\_\_\_\_  
(Agent's Name)

\_\_\_\_\_  
(Agent's Address)

\_\_\_\_\_  
(Phone Number)

\_\_\_\_\_  
(Phone Number)

I, \_\_\_\_\_, hereby petition the Board of Adjustment for a variance(s)  
from the provisions of the Unified Development Ordinance (UDO) for my real property located at

\_\_\_\_\_  
Applicable Ordinance Section: \_\_\_\_\_

Sign Size: Permitted \_\_\_\_\_ Proposed \_\_\_\_\_

Sign Height: Permitted \_\_\_\_\_ Proposed \_\_\_\_\_

# Signs: Permitted \_\_\_\_\_ Proposed \_\_\_\_\_

Sign Setback: Permitted \_\_\_\_\_ Proposed \_\_\_\_\_

Other (describe): \_\_\_\_\_

### Standards for Granting a Variance

The Board of Adjustment does not have unlimited discretion in deciding whether to grant a variance. Under the state enabling act, the Board is required to reach **three** conclusions, before it may issue a variance. In the spaces provided, please indicate the *facts* that you intend to show and the *arguments* that you intend to make to convince the Board that it can properly reach these three required conclusions.

#### **Conclusion 1**

There are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the ordinance.

1. If made to comply with the provisions of the ordinance, the property owner cannot make reasonable use of the sign allowed. *[It is not sufficient that failure to grant the variance simply makes the property less valuable.]*

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2. The hardship of which the applicant complains results from unique circumstances related to the applicant's land. *[Hardships suffered by the applicant in common with his neighbors do not justify a variance. Also, unique personal or family hardships are irrelevant, since a variance if, granted, runs with the land.]*

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3. The hardship is not the result of the applicant's own actions.

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**Conclusion 2**

The variance is in harmony with the general purpose and intent of the ordinance and preserves its spirit. *[Demonstrate that this variance request represents the least possible deviation from the letter of the ordinance that will allow a reasonable use of the land and that, if granted, will not substantially detract from the character of the neighborhood or the purpose and intent of the section of code from which it seeks to deviate.]*

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**Conclusion 3**

The granting of the variance secures the public safety and welfare and does substantial justice. *[State facts and arguments demonstrating that the benefit to the public will (or will not) be substantially outweighed by the harm suffered by the applicant.]*

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In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with the UDO. Violations of the provisions of the variance granted, including any conditions or safeguards, which are a part of the granting of the variance, shall be deemed a violation of the UDO. I, \_\_\_\_\_, hereby certify that all of the information set forth above is true and accurate to the best of my knowledge.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
PETITIONER'S SIGNATURE

\_\_\_\_\_  
PETITIONER'S NAME (PLEASE PRINT)